

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, FEBRUARY 28, 2012**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason, Cameron, Lodge, and McKague, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Elisabeth Manor, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 27, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJM 104 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, all Idahoans have the right to life, liberty and the pursuit of happiness, as provided in the Declaration of Independence; and

WHEREAS, the Continental Congress of 1787 declared that "Religion, Morality and knowledge being necessary to good government and the happiness of mankind ..."; and

WHEREAS, James Madison, a key defender of religious freedom and author of the First Amendment, said "Conscience is the most sacred of all property"; and

WHEREAS, the Executive Branch of the United States government has directed the U.S. Department of Health and Human Services (HHS) to promulgate a new, "preventive services" mandate that violates the rights of conscience of a majority of U.S. citizens; and

WHEREAS, Thomas Jefferson in 1809 stated that "No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority"; and

WHEREAS, this new mandate has been written into an HHS regulation requiring private health insurance plans to cover costs of female surgical sterilization and all drugs and devices approved by the U.S. Food and Drug Administration, including contraceptives and drugs that can attack an unborn child before and after implantation in the mother's womb, in effect taking away the right to life; and

WHEREAS, under this new regulation, the United States government forces individuals and organizations to go into the marketplace and purchase a product that violates their conscience; and

WHEREAS, this should not happen in a land where free exercise of religion ranks first in the Bill of Rights; and

WHEREAS, the new HHS regulation covers all Americans and provides for only a miniscule amount of agency discretion to authorize "religious" exemptions that will exclude many religious social service agencies and health care providers and other groups that believe in the sanctity of life; and

WHEREAS, using this exemption, organizations would be free to act in accord with their religious teachings on life and procreation only if they were to stop hiring and serving those that object on religious grounds; and

WHEREAS, by implementing this regulation, the United States government appears to place pressure on institutions that consider life to be sacred, directing them to cease providing health care, education and charitable services to the general public; and

WHEREAS, the new HHS regulation fails to create a meaningful "conscience exemption" to the preventive services mandate; and

WHEREAS, this regulation underscores the need for Congress to approve the Respect for Rights of Conscience Act that would prevent mandates under the new federal health care reform law from undermining rights of conscience; and

WHEREAS, this new federal regulation applies to all religions and faiths in America that contain members who are conscientiously objecting to any mandate that violates the rights of the unborn by forcing American taxpayers to subsidize the costs of drugs and procedures under the new term "emergency contraceptive"; and

WHEREAS, regarding the HHS regulation, Cardinal-designate Timothy Dolan, Archbishop of New York and president of the U.S. Conference of Catholic Bishops, stated "In effect the president is saying we have a year to figure out how to violate our consciences. To force Americans to choose between violating their consciences and forgoing their health care is literally unconscionable It is as much an attack on access to health care as on religious freedom"; and

WHEREAS, the pro-life majority of Americans would be outraged to learn that their health insurance premiums must be used for these purposes.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request the President of the United States and the Congress of the United States to reverse and reject the HHS regulation so that those who sponsor, purchase and issue health

insurance plans should not be forced to violate their deeply held moral and religious convictions in order to take part in any health care system that violates their belief in the sanctity of life.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SCR 123

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO RESTRUCTURE FINANCING OF CERTAIN BONDS ISSUED TO ACQUIRE PROPERTIES ALONG BILLINGSLEY CREEK IN HAGERMAN VALLEY AND TO FACILITATE THE EXCHANGE OF PROPERTY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, by Senate Concurrent Resolution No. 116 of the First Regular Session of the Fifty-sixth Idaho Legislature in 2001, the Department of Parks and Recreation was authorized to enter into agreements with the Idaho State Building Authority to provide financing for the acquisition of the Vardis Fisher property and other parcels along Billingsley Creek in the Hagerman Valley for the purpose of partnering with the University of Idaho in developing a key aquaculture and research facility for endangered species and development of recreation facilities;

WHEREAS, the federal government has failed to provide funding for the aquaculture and research facility;

WHEREAS, the University of Idaho has ceased its use of the aquaculture facilities on the property;

WHEREAS, the Vardis Fisher property has limited potential for recreational development;

WHEREAS, the Department of Parks and Recreation desires to exchange the Vardis Fisher property for property with greater recreational potential;

WHEREAS, the Department of Parks and Recreation is unable to exchange the Vardis Fisher property since title remains in the Idaho State Building Authority until bonds issued by the Idaho State Building Authority to finance the acquisition of the Billingsley Creek properties are paid in full;

WHEREAS, it is in the interest of the Department of Parks and Recreation to arrange for transfer of existing properties and facilities to the Idaho State Building Authority in order to accommodate the issuance of bonds to pay off the outstanding bonds related to the Billingsley Creek properties and allow the Idaho State Building Authority to transfer the title of the Billingsley Creek properties to the Department of Parks and Recreation so as to accommodate an exchange of the Vardis Fisher property; and

WHEREAS, because interest rates available for Idaho State Building Authority financing are at historic low levels, the proposed restructuring can be achieved without additional cost to the state.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature hereby authorizes and provides approval for the Department of Parks and Recreation to enter into agreement

or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, for the purpose of restructuring the financing using the existing property or facilities owned by the Department of Parks and Recreation, and for the transfer of title of the Billingsley Creek properties to the Department of Parks and Recreation.

BE IT FURTHER RESOLVED that this Concurrent Resolution constitutes the authorization required by the provisions of section 67-6410, Idaho Code.

SCR 124

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE IDAHO DIGITAL LEARNING ACADEMY FOR ITS ACHIEVEMENTS IN PROVIDING QUALITY ONLINE EDUCATION FOR IDAHO STUDENTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Idaho Digital Learning Academy (IDLA) is nationally recognized for its best practices in online learning and is a leader among state online programs; and

WHEREAS, the IDLA has demonstrated its ability to facilitate excellent student achievement, course quality, teacher development and has increased school district capacity; and

WHEREAS, the IDLA has developed and maintained a network of educational resources for all Idaho educators, and Idaho teachers and administrators have access to these resources, which cover a broad range of topics, including classroom instructional techniques, how to implement a blended learning environment and more; and

WHEREAS, the IDLA has presented hundreds of workshops and training seminars to local and national organizations on topics ranging from blended learning to online pedagogy to online teacher evaluations; and

WHEREAS, since 2002, the IDLA has increased the capacity and knowledge of technology staff in best practices for online implementation in 115 school districts plus another 40 charter schools; and

WHEREAS, the IDLA works with districts to ensure that technology used in online courses meets the specific requirements of Idaho school districts, and that the Academy partners with the Idaho Education Technology Association to ensure that Idaho technology directors are the first to know of technology changes; and

WHEREAS, from 2009-2010 to 2010-2011, Dual Credit courses grew by 46% and Advanced Placement courses grew by 44%; and

WHEREAS, the IDLA supports the matriculation of technical preparatory programs statewide by offering foundational courses as part of the overall course of study and, by providing these classes online, it allows districts to focus on advanced curriculum and accept a wider population into their programs; and

WHEREAS, the IDLA continuously reviews and upgrades digital content to align with Idaho standards and iNACOL online standards, and promotes student engagement through innovative multimedia; and

WHEREAS, IDLA teachers, through ongoing professional development and training, gain valuable knowledge and technical skills in online pedagogy, online course delivery, and quality content development, and IDLA teachers are often recognized as leaders in advancing education in their local schools; and

WHEREAS, the IDLA has employed more than 500 Idaho residents since its creation and IDLA purchases products and

services from local vendors and suppliers, thereby keeping IDLA money in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize the efforts of the Idaho Digital Learning Academy in establishing and providing many of the best practices in online learning and in helping Idaho students excel in their educational endeavors.

[SJM 104](#), [SCR 123](#), and [SCR 124](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 27, 2012

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

James C. Hammond to the State Building Authority, term to expire January 1, 2017.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 27, 2012

The STATE AFFAIRS Committee reports out [S 1344](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1344](#) was filed for second reading.

February 27, 2012

The STATE AFFAIRS Committee reports out [S 1323](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1323](#) was referred to the Fourteenth Order of Business, General Calendar.

February 27, 2012

The FINANCE Committee reports out [H 574](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 574](#) was filed for second reading.

February 27, 2012

The JUDICIARY AND RULES Committee reports out [S 1275](#), [S 1332](#), and [S 1340](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1275](#), [S 1332](#), and [S 1340](#) were filed for second reading.

February 27, 2012

The HEALTH AND WELFARE Committee reports out [S 1295](#) and [S 1326](#) with the recommendation that they do pass.

LODGE, Chairman

[S 1295](#) and [S 1326](#) were filed for second reading.

February 27, 2012

The EDUCATION Committee reports out [S 1331](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1331](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Kempton of Albion, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing March 1, 2012, and expiring January 31, 2018.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 27, 2012

Dear Mr. President:

I transmit herewith [H 546](#), [H 536](#), [H 481](#), [H 472](#), [H 513](#), [H 503](#), and [H 555](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 546](#), [H 536](#), [H 481](#), [H 472](#), [H 513](#), [H 503](#), and [H 555](#) were filed for first reading.

February 27, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), and [H 374](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), and [H 374](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Cameron and Andreason were recorded present at this order of business.

The President Pro Tempore announced that [SCR 120](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Siddoway, seconded by Senator Keough, [SCR 120](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1347

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO TRANSPORTATION BOARD; AMENDING SECTION 40-310, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE STATE TRANSPORTATION BOARD ESTABLISHING STANDARDS REGARDING THE LOCATION, DESIGN AND CONSTRUCTION OF PROVIDING ACCESS FROM PROPERTIES ADJACENT TO STATE HIGHWAYS, TO ESTABLISH PROVISIONS RELATING TO APPLICATIONS FOR CERTAIN PERMITS, TO PROVIDE FOR A DECISION ON THE RECORD, TO PROVIDE FOR FINDINGS, TO PROVIDE FOR RULES AND TO MAKE A TECHNICAL CORRECTION.

S 1348

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE MEDICAL CONSENT AND NATURAL DEATH ACT; PROVIDING A SHORT TITLE; AMENDING SECTION 39-4509, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 39-4513, IDAHO CODE, TO REVISE PROVISIONS RELATING TO HEALTH CARE PROVIDERS UNWILLING TO CONFORM TO THE DESIRES OF PATIENTS AND THOSE AUTHORIZED TO CONSENT FOR THEM; AND AMENDING SECTION 39-4514, IDAHO CODE, TO PREVENT THE DISCRIMINATORY DENIAL OF CERTAIN HEALTH CARE INCLUDING ASSISTED FEEDING OR ARTIFICIAL NUTRITION AND HYDRATION.

S 1349

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-609, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CERTAIN MATERIALS MADE AVAILABLE TO PHYSICIANS, HOSPITALS OR OTHER FACILITIES PROVIDING ABORTION AND ABORTION-RELATED SERVICES, TO ESTABLISH PROVISIONS RELATING TO A LIST OF HEALTH CARE PROVIDERS, FACILITIES AND CLINICS THAT OFFER TO PERFORM CERTAIN ULTRASOUNDS, TO ESTABLISH PROVISIONS RELATING TO A STATEMENT REGARDING CERTAIN ULTRASOUND IMAGING AND HEART TONE MONITORING, TO ESTABLISH PROVISIONS THAT PRIOR TO INFORMED CONSENT GIVEN BY THE PATIENT AND PRIOR TO THE ADMINISTRATION OF ANESTHESIA OR CERTAIN MEDICATIONS, THE PHYSICIAN WHO IS TO PERFORM THE ABORTION OR A QUALIFIED TECHNICIAN SHALL PERFORM AN OBSTETRIC ULTRASOUND, TO REVISE PROVISIONS RELATING TO INFORMING THE PATIENT SHE HAS THE RIGHT TO VIEW CERTAIN ULTRASOUND IMAGES, TO PROVIDE THAT THE PHYSICIAN WHO IS TO PERFORM THE ABORTION OR AN AGENT OF THE PHYSICIAN SHALL SIGN AND DATE A CERTAIN STATEMENT, TO PROVIDE LANGUAGE THAT READS SUBSTANTIALLY AS A CERTAIN STATEMENT SHOULD READ, TO PROVIDE THAT THE PATIENT SHALL INITIAL, SIGN AND DATE THE STATEMENT, TO ESTABLISH PROVISIONS RELATING TO THE PRINT OF THE STATEMENT, TO ESTABLISH PROVISIONS LIMITING MATERIAL INCLUDED IN THE STATEMENT, TO PROVIDE FOR A COPY OF THE STATEMENT, TO PROVIDE FOR A SIGNATURE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

S 1350

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1351

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2013; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1352

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1353
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1354
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1355
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO HIGHWAYS AND RIGHTS-OF-WAY; AMENDING SECTION 6-401, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN ACTION TO QUIET TITLE; AND AMENDING CHAPTER 2, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-211, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE EXHAUSTION OF CERTAIN PROCEDURES.

S 1356
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1309, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CORPORATE POWERS OF HIGHWAY DISTRICTS.

S 1357
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-1003, IDAHO CODE, TO PROVIDE THAT A PERSONAL PROPERTY TAX LIEN ASSESSED ON A SPECIFIC PERSONAL PROPERTY SHALL HAVE PRIORITY OVER A PURCHASE MONEY SECURITY INTEREST IN ONLY THAT SPECIFIC PERSONAL PROPERTY.

S 1347, S 1348, S 1349, S 1350, S 1351, S 1352, S 1353, S 1354, S 1355, S 1356, and **S 1357** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 546, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 536, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 481, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 472, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 513, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 503, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 555, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 389, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

Senator McKague was recorded present at this order of business.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1319 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Lodge. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **S 1319** passed, title was approved, and the bill ordered transmitted to the House.

S 1309 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Lodge. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **S 1309** passed, title was approved, and the bill ordered transmitted to the House.

H 417 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Lodge. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 417** passed, title was approved, and the bill ordered returned to the House.

H 393, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Lodge. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 393**, as amended, passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Fourteenth Order of Business.

Senator Lodge was recorded present at this order of business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out **S 1231**, **S 1317**, **S 1255**, as amended, **S 1294**, and **S 1323**, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1231

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 8, delete ". A"; and delete lines 9 through 22, and insert: ", which shall include, but not be limited to, a repair waiver and a hardship waiver.".

On page 3, delete lines 13 and 14, and insert: "(6) Every five (5) years beginning ~~with the implementation of the program in~~

2013, the director shall review the air quality data and determine make recommendations to the legislature for its determination whether".

CORRECTION TO TITLE

On page 1, delete lines 3 and 4, and insert: "SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR A REPAIR WAIVER AND A HARDSHIP WAIVER AND TO PROVIDE FOR RECOMMENDATIONS TO THE LEGISLATURE FROM THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY EVERY FIVE YEARS BEGINNING IN 2013."

SENATE AMENDMENT TO S 1317

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 24 through 36; and on page 2, delete lines 1 and 2, and insert:

"ROUTE	PROJECT DESCRIPTION
US-95	SH-1 to Canadian border
US-95	Garwood to Sagle
US-95	Worley to Setters
US-95	Thorn Creek to Moscow
US-95	Smokey Boulder to Hazard Creek
SH-16 Ext	South Emmett to Mesa with connection to SH-55
SH-16 Ext	I-84 to South Emmett
I-84	Caldwell to Meridian
I-84	Orchard to Isaacs Canyon
US-93	Twin Falls alternate route and new Snake River crossing
SH-75	Timmerman to Ketchum
US-20	St. Anthony to Ashton
US-30	McCammon to Soda Springs".

CORRECTION TO TITLE

On page 1, delete lines 3 through 5, and insert: "PROVIDE FOR A BRIDGE PROGRAM, TO REVISE PROVISIONS RELATING TO A LIMIT ON TOTAL CUMULATIVE DEBT SERVICE AND CERTAIN EXPENSES, TO PROVIDE THAT THE BOARD SHALL LIST AND APPROVE CERTAIN PROJECTS, TO PROVIDE FOR A STATUS UPDATE AND TO MAKE TECHNICAL CORRECTIONS."

SENATE AMENDMENT TO S 1255, As Amended

AMENDMENT TO SECTION 1

On page 2 of the engrossed bill, delete line 39, and insert: "vide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children except any such records regarding adoptions shall remain exempt from disclosure.".

CORRECTION TO TITLE

On page 1, in line 7, following "DISCLOSURE" delete "AND" and insert: ","; and delete lines 9 and 10, and insert: "AND WELFARE MAY PROVIDE FOR THE DISCLOSURE OF CERTAIN RECORDS AND TO PROVIDE AN EXCEPTION; AND DECLARING AN EMERGENCY."

SENATE AMENDMENT TO S 1294
AMENDMENT TO SECTION 14

On page 15 of the printed bill, in line 45, following "July 1," delete "2007" and insert: "2007 2012".

CORRECTION TO TITLE

On page 1, in line 37, following "EXISTING DIRECTIVES" insert: "; TO REVISE PROVISIONS RELATING TO EXISTING DIRECTIVES AND DIRECTIVES FROM OTHER STATES".

SENATE AMENDMENT TO S 1323
AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 14 through 18, and insert:

"(2) ~~Notwithstanding the limitations of chapter 17, title 34, Idaho Code, each library district trustee shall be subject to recall following procedures as closely as possible to the procedures described for the recall of county commissioners pursuant to provided in chapter 17, title 34, Idaho Code.~~"; delete lines 22 through 27; and in line 28, delete "(b)" and insert:

"If, pursuant to section 33-2717, Idaho Code, no election was held for the trustee being recalled:

(a) ~~The number of district electors required to sign the petition seeking a recall election must be not less than fifty (50), or twenty percent (20%) of the number of votes cast in the last trustee election held in the library district, whichever is the greater.~~

(b)".

The Committee also has [S 1321](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

[S 1231](#), as amended, [S 1317](#), as amended, [S 1255](#), as amended, as amended, [S 1294](#), as amended, and [S 1323](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 12:15 p.m. until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore Hill presiding.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Bair, Brackett, and Lodge, absent and excused. [District 10 seat is temporarily vacant.]

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 28, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1231](#), [S 1317](#), [S 1255](#), as amended, [S 1294](#), and [S 1323](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 28, 2012

The JUDICIARY AND RULES Committee reports that [S 1231](#), as amended, [S 1317](#), as amended, [S 1255](#), as amended, as amended, [S 1294](#), as amended, and [S 1323](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1231](#), as amended, [S 1317](#), as amended, [S 1255](#), as amended, as amended, [S 1294](#), as amended, and [S 1323](#), as amended, were filed for first reading.

Senator Brackett was recorded present at this order of business.

February 28, 2012

The AGRICULTURAL AFFAIRS Committee reports out [S 1304](#) and [S 1346](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[S 1304](#) and [S 1346](#) were filed for second reading.

Senator Lodge was recorded present at this order of business.

February 28, 2012

The JUDICIARY AND RULES Committee reports out [H 449](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [H 449](#) was referred to the Fourteenth Order of Business, General Calendar.

February 28, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 419](#), [H 466](#), [H 467](#), and [H 468](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 419](#), [H 466](#), [H 467](#), and [H 468](#) were filed for second reading.

Senator Bair was recorded present at this order of business.

February 28, 2012

The EDUCATION Committee reports out [H 498](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 498](#) was filed for second reading.

February 28, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 482](#) with the recommendation that it do pass.

CORDER, Chairman

[H 482](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 28, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#) and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1231](#), as amended, and [S 1317](#), as amended, by State Affairs Committee, were read the first time at length and filed for second reading.

[S 1255](#), as amended, as amended, and [S 1294](#), as amended, by Health and Welfare Committee, were read the first time at length and filed for second reading.

[S 1323](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1305](#) was placed before the Senate for consideration at this time.

[S 1305](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. Senator Pearce yielded the remainder of his time to Senator Siddoway.

Pursuant to Senate Rule 39(H), Senator Siddoway disclosed a possible conflict of interest under applicable law.

On request by Senator Siddoway, granted by unanimous consent, [S 1305](#) was recommitted to the Resources and Environment Committee.

[H 455](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [H 455](#) passed, title was approved, and the bill ordered returned to the House.

[H 475](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [H 475](#) passed, title was approved, and the bill ordered returned to the House.

[H 446](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [H 446](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:20 p.m. until the hour of 10 a.m., Wednesday, February 29, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary